

AAS:JEA/EAH
F. #2019R01179

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(18 U.S.C. § 2339B(a)(1))

AWAIS CHUDHARY,

Case No. 19-MJ- 778

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

SETH YOCKEL, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such:

In or about August 2019, within the Eastern District of New York and elsewhere, the defendant AWAIS CHUDHARY did knowingly and intentionally attempt to provide “material support or resources,” as defined in Title 18, United States Code, Section 2339A(b)(1), including services and personnel (including himself), to a foreign terrorist organization, to wit, the Islamic State of Iraq and al-Sham (hereinafter “ISIS”), which at all relevant times was designated by the Secretary of State as a foreign terrorist organization, knowing that ISIS was a designated foreign terrorist organization and that ISIS engages and has engaged in terrorist activity and terrorism.

(Title 18, United States Code, Section 2339B(a)(1))

The source of your deponent's information and the grounds for his belief are as follows¹:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been with the FBI for approximately three years. I am currently assigned to the New York Joint Terrorism Task Force ("JTTF"), and have been assigned to the JTTF for approximately two years. As a Special Agent, I have investigated numerous matters during the course of which I have conducted physical surveillance, interviewed witnesses, executed court authorized search warrants, and used other investigative techniques to secure relevant information. During my tenure with the JTTF, I have participated in investigations that have included, among other crimes, terrorism and related activity. I am familiar with the facts and circumstances set forth below from my participation in the investigation, my review of the investigative file, and from reports of other law enforcement officers involved in the investigation.

2. The defendant AWAIS CHUDHARY is a 19-year-old naturalized citizen of the United States who was born in Pakistan and who resides in Queens, New York.

The Islamic State of Iraq and al-Sham ("ISIS")

3. ISIS is a foreign terrorist organization that, since 2013, has claimed credit for numerous terrorist activities, including attacks against Americans in the United States and against Westerners abroad. These terrorist activities are part of ISIS's broader goal of forming an Islamic state or "caliphate" in Iraq and Syria. On or about October 15,

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

2004, the United States Secretary of State designated al-Qaeda in Iraq, then known as Jam ‘at al Tawid wa’ al-Jahid, as a Foreign Terrorist Organization (“FTO”) under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224. On or about May 15, 2014, the Secretary of State amended the designation of al-Qaeda in Iraq as an FTO under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant (“ISIL”) as its primary name. The Secretary of State also added the following aliases to the FTO listing: the Islamic State of Iraq and al-Sham (“ISIS” – which is how the FTO will be referenced herein), the Islamic State of Iraq and Syria, ad-Dawla al-Islamiyya fi al-Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furquan Establishment for Media Production. On September 21, 2015, the Secretary of State added the following aliases to the FTO listing: Islamic State, ISIL, and ISIS. To date, ISIS remains a designated FTO.

Overview of CHUDHARY’s Scheme to Commit an Attack for ISIS

4. An investigation by the JTTF has revealed that the defendant AWAIS CHUDHARY intends to commit a knife or bomb attack on behalf of ISIS in the Eastern District of New York. During communications with undercover law enforcement officers, CHUDHARY has confirmed that he has pledged allegiance to ISIS’s leader and stated that he wants to conduct a knife or bomb attack in Queens, New York, in locations such as the pedestrian bridges over the Grand Central Parkway to the Flushing Bay Promenade (the “Promenade”), and the New York World’s Fair marina located in the Promenade, and to record his attack in order to inspire others to perform similar attacks.

CHUDHARY's Plan to Commit an Attack on Behalf of ISIS

5. Beginning on or about August 23, 2019, an individual subsequently identified as the defendant AWAIS CHUDHARY conversed with a law enforcement officer acting in an undercover capacity ("UC-1"), who was posing as an online supporter of ISIS, through a text messaging application ("Application-1"). Since that time, CHUDHARY has been in regular correspondence with UC-1 on Application-1 and a second text messaging application. CHUDHARY has also communicated with another law enforcement officer acting in an undercover capacity ("UC-2") through text messaging. In his communications with UC-1 and UC-2, CHUDHARY repeatedly expressed his support for ISIS and his desire to conduct a terrorist attack in the Eastern District of New York.

6. Based on my review of screenshots of CHUDHARY's communications with UC-1 and UC-2, I have learned that, from on or about August 23 through 25, 2019, CHUDHARY communicated with UC-1 regarding his plan to conduct a stabbing or bombing attack on behalf of ISIS in the United States.

7. On or about August 23, 2019, CHUDHARY requested information from UC-1, preferably a video, regarding "the proper knife" for committing a stabbing attack, as well as information regarding "how to not leave traces of finger prints, DNA, etc." CHUDHARY indicated that he needed that information because he was "in the west." CHUDHARY further stated that he was asking Allah to, among other things, "not let us get caught or imprisoned, for indeed the entire plot belongs to Allah alone."

8. During that same conversation, CHUDHARY explained that he intended to commit a knife attack "because that's what [he] know[s]," but that if UC-1 could

instruct him “on how to build a bucket bomb,” CHUDHARY would consider a bombing attack as well. I believe that CHUDHARY was using the term “bucket bomb” to refer to an explosive device.

9. Later in the conversation, CHUDHARY stated that he needed to know the best way to make a bomb “swift with no traces left behind.” He further explained that, as possible targets for an attack, he was considering a “quiet and darker area that’s near a wide river where people pass,” or a “mini bridge over a busy road with many cars.” CHUDHARY stated that the latter location was why he had “mentioned the bucket bomb” in order “to target multiple vehicles.” When asked what kind of attack he wanted to conduct, CHUDHARY responded that he intended to commit the attack as a lone wolf. I understand that a “lone wolf” attack refers to a terrorist attack committed by a single individual.

10. CHUDHARY also stated during the conversation with UC-1 that he had given “ba’yah to Ameer al-Mu’mineen.” I am aware that “bay’ah” refers to a pledge of allegiance and that Ameer al-Mu’mineen refers to the leader of ISIS, Abu Bakr al Baghdadi.

11. UC-1 thereafter requested that CHUDHARY send photographs of the locations that he was considering for an attack. CHUDHARY explained that he did not have a proper knife for the attack and needed to know the name of the type of knife required. He also wrote that he had viewed an image of “the ideal knife,” which depicted a hand guard on the knife.

12. CHUDHARY then explained that he had taken videos of the locations an hour earlier and that he was sending a video to UC-1. CHUDHARY stated that the video depicted the bridge he had mentioned earlier and that he “was thinking about simply

throwing bucket bomb or several light weight bombs at the car over the fencing but the problem is I do not know how to make them.” CHUDHARY further stated that he was sending another video to UC-1 depicting the “knife area,” and noted that the video files were large because he had recorded them with his cellphone. Because of the size of the files recorded by CHUDHARY, UC-1 directed CHUDHARY to send the videos to another account which UC-2 controlled.

13. CHUDHARY thereafter sent videos of the attack locations to UC-2: (1) a video depicting a bridge, (2) a video entitled “First Portion after bridge,” and (3) a video entitled “Third Portion after bridge.” CHUDHARY explained that the videos depicted the location he was considering for a knife attack. He further stated that he was considering targeting “the vehicles by throwing the bucket bomb or light weight explosives over the fencing at the vehicles.” I have reviewed the videos of the proposed attack locations, which included videos of the pedestrian bridges over the Grand Central Parkway to the Promenade in Queens, New York.

14. On or about August 23, 2019, CHUDHARY sent UC-2 a screenshot of a document with the words “Islamic Stat[e]” at the top and the subheadings “Places to Strike,” “The Ideal Knife,” and “Knives to Avoid.” The instructions further included a diagram of the human body depicting where to stab victims with a knife. CHUDHARY also sent UC-2 two videos depicting bomb attacks. After sending the first video, CHUDHARY wrote, in an apparent reference to the bomber depicted in the video, “This is what I mean by bucket bomb or something hefty as you see he placed it and then moved away for its hefty explosion with the grace of Allah.” After sending the second video, CHUDHARY wrote, “And this is what I mean by a light weight easy to carry explosive.” CHUDHARY then

asked UC-2 to download the videos of the attack locations and asked UC-2 to “please watch them” in order to view “the terrain/land/structure.” At least one of the bombing videos that CHUDHARY sent to UC-2 appeared to be produced by ISIS, featuring a graphic of an ISIS flag in the upper left-hand corner.

15. On or about August 24, 2019, CHUDHARY and UC-1 communicated through text messages. CHUDHARY stated that he had selected the attack locations because they seemed to have “easier escape routes” and “more room for [CHUDHARY’s] scooter.” Later in the conversation, UC-1 noted that CHUDHARY could die in an attack if he was not able to escape and asked CHUDHARY whether he was “ok” with dying. CHUDHARY replied affirmatively and stated, “May Allah not turn our hearts away or make us ever doubt or hesitate.”

16. CHUDHARY thereafter explained his timeline for procuring supplies to conduct an attack. CHUDHARY stated that he wanted to start with acquiring a knife, “because buying materials for explosives . . . bring suspicion by the crusaders and their miserable worshipers.” CHUDHARY further explained that he had searched the website of an online retailer (“Online Retailer-1”) for the knife he wanted to use in the attack but could not find the “proper knife.” CHUDHARY asked UC-1 to suggest the name of the knife he would need and asked whether he would also need gloves and a mask. After UC-1 sent CHUDHARY a photograph of a knife, CHUDHARY noted that “buying a knife like this draws attention.”

17. Later in the conversation, CHUDHARY provided further details regarding his attack plans. CHUDHARY explained that he was considering an attack at 4:00

p.m. in the afternoon because “this is when it’s most crowded” in the targeted areas he intended to attack. CHUDHARY also sought guidance from UC-1 regarding the use of “medical latex gloves” during the attack, and whether wearing such gloves would “not leave fingerprints and DNA.” CHUDHARY further requested videos from UC-1, including “training videos on how to effectively use knife and training in general . . . as training for Jihad for Allah is worshiping in itself.” CHUDHARY also informed UC-1 that he believed there were surveillance cameras located in the vicinity of “the gas station and donut shop and restaurant” near one of the attack locations he was considering, and offered to make additional video recordings of the area for UC-1 to view.

18. Based on my review of records from open-source databases, I have learned that a particular cellphone number account is associated with the text messaging application the defendant AWAIS CHUDHARY used to communicate with UC-1 and UC-2 (the “Phone Number”). Further, based on a search of a law enforcement database, I have learned that the user of the Phone Number is reflected as CHUDHARY.² The database also listed a particular address in Queens, New York (the “Address”) as associated with CHUDHARY.

CHUDHARY’S RECONNAISSANCE IN PREPARATION FOR AN ATTACK

19. On or about August 24, 2019, law enforcement officers conducted

² I have learned that the subscriber of the Phone Number is an individual with the last name “Chudhary,” but a different first name. Based on the fact that the subscriber has the same last name as CHUDHARY, it appears that one of CHUDHARY’s relatives is the subscriber of the phone used to register CHUDHARY’s account on Application-1. Based on cellphone location data associated with the Phone Number as compared with law enforcement agents’ physical surveillance of CHUDHARY and the Home, it appears one of CHUDHARY’s relatives may use the cellphone associated with the Phone Number.

surveillance of a residence in Queens, New York (the “Home”). The surveilling agents observed a man (“Individual-1”) exit the Home and proceed on foot to the area in and around the Promenade. During their surveillance of Individual-1, the surveilling agents video-recorded and photographed Individual-1’s activities in and around the Promenade. Based on my review of the video and photographs, Individual-1 appears to be CHUDHARY.

20. The surveilling agents observed CHUDHARY entering the Promenade in the vicinity of 27th Avenue and Ditmars Boulevard. As he walks in and around the Promenade, CHUDHARY stops to take videos and photographs of the area with a cellphone. At times, CHUDHARY appears to take videos and photographs in a surreptitious manner, holding the cellphone close to his chest. The surveilling agents also observed CHUDHARY taking videos and/or photographs of, among other things, parts of the Promenade; the World’s Fair marina located in or around the Promenade; a security gate leading to the marina; a gas station and a donut shop located in or around the Promenade; and a security camera located in the vicinity of the donut shop. I believe that CHUDHARY was conducting reconnaissance of the locations in preparation for a knife attack there.

**CHUDHARY’S PURCHASE OF A KNIFE AND TACTICAL EQUIPMENT IN
PREPARATION FOR AN ATTACK**

21. From on or about August 25 through 26, 2019, CHUDHARY communicated further with UC-1 and UC-2 regarding his plan to conduct a stabbing or bombing attack on behalf of ISIS in the United States and his preparations for that attack. In these communications, CHUDHARY made clear that the attack would be imminent.

22. On or about August 25, 2019, CHUDHARY again asked UC-1 for a video demonstrating the use of a knife in an attack” so he could “use it effectively,” and

stated that he had never “shot a real gun nor used a knife to spill the impure blood of a kafir.” I understand that “*kafir*” refers to “non-believers” or non-Muslims. CHUDHARY further explained that if he learned how to use a knife “properly,” then he could “move and strike swiftly, all for the sake of Allah.”

23. Later in the conversation, CHUDHARY explained that he planned to change his clothes after the attack but that he might face challenges based on his plan. CHUDHARY was concerned that the only clothes that he possessed were those by which his family would recognize him. CHUDHARY then asked UC-1 what clothes to buy, including whether he should buy “tactical kaki [sic] colored pants.”

24. CHUDHARY added that he considered committing the attack “near one of the Masjids and then enter the Masjid for changing clothes,” where there was “a lot of darkness” and he could “wait therein if their police forces or army -- woe to them -- come, as they do after an attack by the Khilafah,” and to leave his backpack and scooter to retrieve them later. I know that “Masjid” refers to a mosque and that “*Khilafah*” refers to the leader of the “caliphate,” or Islamic State.

25. On or about August 25, 2019, CHUDHARY and UC-1 discussed what items CHUDHARY wanted to order from Online Retailer-1 and to send items to a retail location that he wanted to order from Online Retailer-1 for the attack. UC-1 thereafter provided an account for CHUDHARY on Online Retailer-1 (the “Online Retailer-1 Account”) and preloaded it with money. CHUDHARY and UC-1 then discussed the purchase of different items for the attack, including, among others, several knives, a strap for CHUDHARY’s cellphone, gloves, a mask, and clothing that CHUDHARY suggested should

“blend in and not [be] too eye catching.” After UC-1 informed CHUDHARY that he had put the items, including three knives, in the Online Retailer-1 Account’s shopping cart, CHUDHARY then sent UC-1 screenshots of two knives and informed UC-1 that he was “having difficulty choosing between” them. Based on my review of a screenshot of the items placed in the Online-Retailer-1 Account’s shopping cart by UC-1, I have learned that UC-1 placed the following items in the shopping cart: (a) an 11 inch black “Fixed Blade Tactical Knife”; (b) a nine inch high carbon “Fixed Blade Knife”; (c) a two-piece “Tactical Combat Survival Hunting & Neck Knives”; (d) a cellphone chest and head strap; (e) a polo shirt; (f) tactical lightweight assault cargo pants; (g) a black face mask; and (h) a pair of “Covert Tactical” gloves.”

26. CHUDHARY thereafter discussed with UC-1 when he should have the items delivered and sent UC-1 a screenshot indicating that he had selected the shipment date for Wednesday, August 28, 2019. UC-1 then asked CHUDHARY how soon he intended to commit the attack, to which CHUDHARY responded, “Very soon,” and that he would do it “possibly on a Jumu’ah.” I know that “*Jumu’ah*” refers to Islam’s Friday prayer.

27. Later that day, CHUDHARY sent UC-1 a screenshot indicating that he had ordered a “420 High Carbon Stainless Steel Fixed Blade survival Tactical Knife,” along with a purchase confirmation addressed to the User Name for the Online Retailer-1 Account indicating that the order would be delivered to an Online Retailer-1 retail location located in Queens, New York during the first week of September 2019.

28. Between on or about August 25 and 26, 2019, CHUDHARY discussed with UC-1 the additional items he wished to purchase. On or about August 26, 2019,

CHUDHARY stated that he would cancel the order for the knife because he wanted to have it delivered more quickly. CHUDHARY then sent UC-1 a screenshot that appeared to be a page from Online Retailer-1, containing CHUDHARY's original knife order, with the phrase "Attempting to Cancel" at the top. CHUDHARY subsequently informed UC-1 that he had found "one with a serrated edge," and sent UC-1 a screenshot of a knife with a serrated edge. Later that day, CHUDHARY explained to UC-1 that the items would be delivered on Wednesday, August 28, 2019, and that he would use the Online-Retailer 1's delivery location.

29. CHUDHARY then told UC-1 that he ordered the items and sent UC-1 a screenshot that appeared to be from Online-Retailer-1, depicting, among other things, khaki-colored pants, a mask, a strap, and gloves. Based on a review of Online Retailer-1's records, I have learned that, on or about August 26, 2019, the Online Retailer-1 Account ordered the following items to be delivered to an Online-Retailer-1 retail location located in Queens, New York: (a) a 420 High Carbon Stainless Steel Fixed Blade Survival Tactical Knife; (b) a cellphone chest and head strap; (c) tactical lightweight assault cargo pants; (d) a black face mask; and (e) a pair of "Hard Knuckle Full Finger Tactical Gloves" (the "Items").

30. On or about August 29, 2019, law enforcement officers conducted surveillance and observed CHUDHARY depart the Home and travel to the Online Retailer-1 retail location located in Queens, New York to which he had ordered the Items. Law enforcement officers thereafter observed CHUDHARY approach the Online Retailer-1 locker while in possession of two cellphones. Law enforcement officers conducted a probable cause arrest of CHUDHARY as he attempted to open the locker.

WHEREFORE, your deponent respectfully requests that the defendant
AWAIS CHUDHARY be dealt with according to law.

SETH YOCKEL
Special Agent
Federal Bureau of Investigation

Sworn to before me this
30th day of August, 2019

THE HONORABLE JAMES ORENSTEIN
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK